



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re application of :  
Peter SCHUBERT et al. : Group Art Unit: 1645  
Serial No.: 09/372,036 : Examiner: P. Baskar  
Filed: August 11, 1999 :  
For: **PROCESSES AND AGENTS FOR DETECTING LISTERIAS**

**AMENDMENT UNDER 37 C.F.R. §1.116**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action dated May 31, 2002, please amend the above-identified application as indicated below and consider the remarks which follow:

**IN THE CLAIMS**

Please cancel claim 66 without prejudice or disclaimer.

Please amend claims 42, 43, and 67-70 as follows:

42. (Amended) An isolated antibody which specifically binds an epitope from only ~~one of the~~ following peptides: SEQ ID NO: 17, 20, 26, 29, 30 or 31 of the p60 protein from Listeria monocytogenes and wherein said antibody does not cross-react with an epitope from other Listeria species.

43. (Amended) An isolated antibody which is prepared by immunizing an experimental animal with only one of the following peptides: SEQ ID NO: 17, 20, 26, 29, 30 or 31, or with an immunogenic conjugate which comprises only one of the following peptides: SEQ ID

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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. MERCK-1694D2

IN RE APPLICATION OF: Peter SCHUBERT et al.  
 SERIAL NO: 09/372,036  
 FILING DATE: August 11, 1999  
 FOR: PROCESS AND AGENTS FOR DETECTING LISTERIAS

GAU: 1645  
 EXAMINER: P. Baskar



## AMENDMENT TRANSMITTAL

ASSISTANT COMMISSIONER FOR PATENTS  
 WASHINGTON, D.C. 20231

SIR:

Transmitted herewith is an amendment in the above-identified application.

- ☐ No additional fee is required.
- ☐ Applicant(s) is/are entitled to small entity status.
- ☒ Additional documents filed herewith:

The fee has been calculated below:

CLAIMS	CLAIMS REMAINING		HIGHEST NO. PREVIOUSLY PAID FOR	NO. OF EXTRA CLAIMS	RATE		CALCULATIONS
TOTAL	31	MINUS	70	0	x	\$18 =	\$0.00
INDEPENDENT	4	MINUS	11	0	x	\$84 =	\$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS							
TOTAL OF ABOVE CALCULATIONS							\$0.00
<input type="checkbox"/>							
<input type="checkbox"/> REDUCTION BY 50% FOR FILING BY SMALL ENTITY							\$0.00
<input type="checkbox"/> RECORDATION OF ASSIGNMENT						+ \$40 =	\$0.00
TOTAL							\$0.00

- ☒ A check in the amount of \$720.00 is attached.
- ☒ Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to Deposit Account No. 13-3402. A duplicate copy of this sheet is enclosed.
- ☒ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.36 for any necessary extension of time may be charged to Deposit Account No. 13-3402. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

*Robert E. McCarthy*  
 Robert E. McCarthy, Registration No. 46,044  
 Agent for Applicants

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 Date: October 31, 2002

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